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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/635,124	08/06/2003	Brett M. Belongia	MCA-657 US	2080
25182	7590	10/13/2006	EXAMINER	
MILLIPORE CORPORATION 290 CONCORD ROAD BILLERICA, MA 01821			JACYNA, J CASIMER	
			ART UNIT	PAPER NUMBER
			3754	

DATE MAILED: 10/13/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/635,124

Applicant(s)

BELONGIA ET AL.

Examiner

J. Casimer Jacyna

Art Unit

3754

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 02 August 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_\_

Art Unit: 3754

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1, 5, 7, 11, 15 and 20 are rejected under 35 U.S.C. 102(b) as being anticipated by Finch (5,586,586). Finch discloses a portion or cartridge for a dispensing system 132, 39, 136 the fluid dispenser cartridge of Finch comprises or includes as claimed a reservoir 12, an inlet 34, an outlet 16, a fill tube 42 that includes a valve as part of dispenser 24 as disclosed on col. 4, lines 55-56, and a means for gating gas 18 that includes a pressure release valve (see claim 7) 45.

3. Claims 1, 5, 12, 14, 16 and 18-20 are rejected under 35 U.S.C. 102(b) as being anticipated by Schuetz et al. (5,971,009). Schuetz discloses a portion or cartridge for a dispensing system 40, 50, 60 the fluid dispenser cartridge of Schuetz comprises or includes as claimed a reservoir 34, an inlet 14, an outlet as is the portion of 20 extending from the tee with 14 to fill valve 22, a fill tube 24, a means for gating gas 72, 74, and an optical sensor 86.

4. Claims 1, 5, 6, 12, 13, 16, 17 and 20 are rejected under 35 U.S.C. 102(e) as being anticipated by Balsdon (2004/0194831). Balsdon discloses a portion or cartridge for a dispensing system that is part of an automobile apparatus that dispenses

Art Unit: 3754

predetermined volumes of fluid to engine 20 the fluid dispenser cartridge of Balsdon comprises or includes as claimed a reservoir 16, an inlet 16a, an outlet that passes through 122, 110, a fill valve 14, a fill tube 32, and a means for gating gas to ambient 12a, 34.

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 2, 3, 6, 8 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schuetz et al. (5,971,009) in view of Healy (6,554,881). Schuetz discloses a dispenser with a vent to ambient 72, 74 substantially as claimed but does not disclose the use of a polyethylene filter. However, Healy teaches the use of polyethylene filters in vents (see col. 3, lines 31-58), for the purpose of preventing the spread of contaminants. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the dispenser of Schuetz with a polyethylene filter as, for example, taught by Healy in order to prevent the spread of contaminants.

7. Claims 2, 4, 6, 8 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schuetz et al. (5,971,009) in view of Wade (6,073,812). Schuetz discloses a dispenser with a vent to ambient 72, 74 substantially as claimed but does not disclose the use of a Teflon filter. However, Wade teaches the use of Teflon filters in dispensing vents 21, for the purpose of preventing the spread of contaminants.

Art Unit: 3754

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the dispenser of Schuetz with a Teflon filter as, for example, taught by Wade in order to prevent the spread of contaminants.

8. Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection.

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to J. Casimer Jacyna whose telephone number is 571-272-4889. The examiner can normally be reached on Wed. thru Fri. 9AM-7PM, Mon. 7AM-1PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kevin Shaver can be reached on 571-272-4720720. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300. .

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



J. Casimer Jacyna  
Primary Examiner  
Art Unit 3754

JCJ